

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl No.: 10/752,737
Applicant: Allen DorEl
Filing Date: 01/06/2004
Art Unit: 2425
Examiner: Ekpo, Nnenna Ngozi
Confirmation No. 4748
Attorney Docket No.: 023243.0003US1
Title: Home Entertainment System

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF HANI Z. SAYED

Sir:

I, Hani Z. Sayed, having personal knowledge of the facts set forth herein, hereby declare as follows:

1. The above referenced patent application Ser. No. 10/752,737 (hereinafter the '737 patent application') is a patent application.
2. Attached as Exhibit 1 is an un-signed Assignment evidencing U.S. patent application Ser. No. 10/752,737 is owned and should be assigned to Digital Interactive Systems Corporation, Inc.
3. Inventor Allen Dor El was an employee of Digital Interactive Systems Corporation, Inc. assigned to work on activities governed by his employment Agreement at the time the features of the claimed invention in this patent application were reduced to practice. Allen DorEl executed an Oath and Declaration document dated January 14, 2003 for the '737 patent application. A copy of the Oath and Declaration document for the '737 patent application is submitted as Exhibit 2.
4. A separate Professional Services Agreement (hereinafter the "Agreement") executed by Allen DorEl and Digital Interactive Systems Corporation, Inc. relates to Mr. DorEl's obligations while employed at Digital Interactive Systems Corporation, Inc.

5. Under the Agreement, Digital Interactive Systems Corporation, Inc. retains all ownership interest in any and all pre-existing intellectual property, plus any new intellectual property specifically undertaken while employed with Digital Interactive Systems Corporation, Inc.
6. According to MPEP section 409.03, the test to allow a patent application to proceed when filing with less than all the inventors is to show Digital Interactive Systems Corporation, Inc. *may* have sufficient proprietary interest in the subject matter of the patent application to justify such action. Clearly, the above Exhibits and statements demonstrate that Digital Interactive Systems Corporation, Inc. not only *may* but also has a clear right and title to the enumerated Intellectual Property. Thus, Digital Interactive Systems Corporation, Inc. has the right to seek patent protection on its Intellectual Property.
7. Attached as Exhibit 3 is a copy of Certified Mailing document, label and the contents of the Certified Mail package shipped to Mr. Allen DorEl's last known address at 501 E. Longden Drive, San Gabriel, CA 91775 dated September 19, 2008. The U.S. Postal Certified Mail package contained a copy of a letter addressed to Mr. Allen DorEl and Assignment for the '737 patent application.
8. As of the signing of this Assignment, I have not received any communications back from Mr. DorEl.
9. Every reasonable attempt has been made to have Mr. DorEl read and understand the '737 Assignment documents. Mr. DorEl has had an opportunity to review the '737 patent application and execute the Assignment documents. Applicants note that the evidence exists that shows Mr. DorEl has had an opportunity to review the entire application, in that an executed Declaration by the inventor himself states: "Mr. DorEl demonstrated by his comments with employees of Digital Interactive that Mr. DorEl had clearly read and understood the *entire* application." Mary DorEl signed for the Certified Mail package mailed to the address above, which further evidences that the residential postal address above is reasonably believed to be current and valid. Digital Interactive Systems Corporation, Inc. is simply unable to get Mr. DorEl to execute these document at this time.

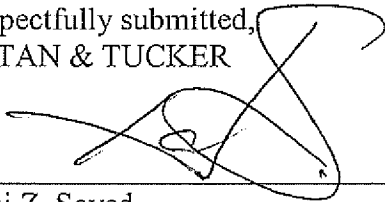
I hereby declare that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
RUTAN & TUCKER

Dated: November 10, 2008

By



Hani Z. Sayed
Registration No. 52,544

Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400
Costa Mesa, CA 92626
Telephone (714) 641-5100
Facsimile (714) 546-9035

EXHIBIT 1

ASSIGNMENT

WHEREAS, the undersigned, Allen (Avraham) DorEl is an individual applicant, residing at 501 E. Longden Drive, San Gabriel, CA 91775, USA (referred to hereinafter as "ASSIGNOR") has invented a certain invention entitled "Home Entertainment System" for which a patent application for Letters of Patent of the United States of America was filed on January 6, 2004, serial number 10/752,737; which together with related experimental data, trade secret, and other know-how is referred to hereinafter as the INVENTION;

WHEREAS Digital Interactive Systems, Inc., a corporation having its principal place of business at 444 West Ocean Blvd., Suite 1070, Long Beach, CA 90802, USA (referred to hereinafter as "ASSIGNEE"), is desirous of acquiring all entire right, title and interest in, to and under said INVENTION, and in, to and under Letters Patent or similar legal protection to be or having been obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns, transfers and sets over unto the ASSIGNEE, its successors and assigns the entire title, right and interest in and to the INVENTION, and to all Letters Patent or similar legal protection arising therefrom, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said INVENTION by said application or any continuation, continuation-in-part, divisional, renewal, substitute, reissue or reexamination thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted, including all priority rights under any International Convention.

ASSIGNOR further covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said INVENTION, including the patent application listed above, and any Letters Patent and legal equivalents in foreign countries issuing therefrom as may be known and accessible to ASSIGNOR, and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

ASSIGNOR and ASSIGNEE each covenant to perform all acts and execute and deliver all documents as may be necessary or appropriate to carry out the intent and purposes of this assignment.

This assignment embodies the entire understanding of ASSIGNOR and ASSIGNEE and supersedes and replaces any and all pre-existing assignments or understandings between ASSIGNOR and ASSIGNEE. No amendment or modification of this assignment shall be valid or binding upon ASSIGNOR or ASSIGNEE unless made in writing and signed on behalf of each of ASSIGNOR and ASSIGNEE by their respective duly authorized representative.

WITNESS my hand at _____, _____, this ____ day of _____ 2008,
City State Month

Allen (Avraham) DorEl

EXHIBIT 2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐Declaration
Submitted
With Initial
Filing

OR

☒Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

023243.0003

First Named Inventor

Allen (Avraham) DorEl

COMPLETE IF KNOWN

Application Number

10/752737

Filing Date

January 6, 2004

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Home Entertainment System

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

01/06/2004

as United States Application Number or PCT International

Application Number

10/752737

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application


Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 34284 OR <input type="checkbox"/> Correspondence address below			
Name			
Address			
City		State	ZIP
Country	Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <div style="text-align: center;">Allen (Avraham)</div>		Family Name or Surname <div style="text-align: center;">DorEl</div>	
Inventor's Signature 		Date <div style="text-align: center;">1/14/03</div>	
Residence: City <div style="text-align: center;">San Gabriel</div>	State <div style="text-align: center;">CA</div>	Country <div style="text-align: center;">US</div>	Citizenship <div style="text-align: center;">US</div>
Mailing Address 501 E. Longden Drive			
City <div style="text-align: center;">San Gabriel</div>	State <div style="text-align: center;">CA</div>	ZIP <div style="text-align: center;">91775</div>	Country <div style="text-align: center;">US</div>
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

EXHIBIT 3

September 19, 2008

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7005 1160 0004 6198 9496

Allen (Avraham) Dor El
501 E. Longden Drive
San Gabriel, CA 91775

Re: U.S. Patent Application No. 10/752,737
"Home Entertainment System"
DorEl
Our Ref.: 023243-0003US1

Dear Mr. Dor El:

Enclosed please find the Assignment for the above-referenced matter. The Assignment needs to be signed and notarized by you the inventor in this patent application. Once the Assignment has been executed, please return to our office in the enclosed self-addressed stamped envelope for filing with the U.S. Patent and Trademark Office. We ask that you return the Assignment to our office no later than **September 29, 2008**.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Sincerely,

RUTAN & TUCKER, LLP



Francine Sanders
Paralegal

FS
Enclosures

ASSIGNMENT

WHEREAS, the undersigned, Allen (Avraham) DorEl is an individual applicant, residing at 501 E. Longden Drive, San Gabriel, CA 91775, USA (referred to hereinafter as "ASSIGNOR") has invented a certain invention entitled "Home Entertainment System" for which a patent application for Letters of Patent of the United States of America was filed on January 6, 2004, serial number 10/752,737; which together with related experimental data, trade secret, and other know-how is referred to hereinafter as the INVENTION;

WHEREAS Digital Interactive Systems, Inc., a corporation having its principal place of business at 444 West Ocean Blvd., Suite 1070, Long Beach, CA 90802, USA (referred to hereinafter as "ASSIGNEE"), is desirous of acquiring all entire right, title and interest in, to and under said INVENTION, and in, to and under Letters Patent or similar legal protection to be or having been obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns, transfers and sets over unto the ASSIGNEE, its successors and assigns the entire title, right and interest in and to the INVENTION, and to all Letters Patent or similar legal protection arising therefrom, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said INVENTION by said application or any continuation, continuation-in-part, divisional, renewal, substitute, reissue or reexamination thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted, including all priority rights under any International Convention.

ASSIGNOR further covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said INVENTION, including the patent application listed above, and any Letters Patent and legal equivalents in foreign countries issuing therefrom as may be known and accessible to ASSIGNOR, and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

ASSIGNOR and ASSIGNEE each covenant to perform all acts and execute and deliver all documents as may be necessary or appropriate to carry out the intent and purposes of this assignment.

This assignment embodies the entire understanding of ASSIGNOR and ASSIGNEE and supersedes and replaces any and all pre-existing assignments or understandings between ASSIGNOR and ASSIGNEE. No amendment or modification of this assignment shall be valid or binding upon ASSIGNOR or ASSIGNEE unless made in writing and signed on behalf of each of ASSIGNOR and ASSIGNEE by their respective duly authorized representative.

WITNESS my hand at _____, _____, this ____ day of _____ 2008,
City State Month

Allen (Avraham) DorEl

STATE OF _____)
) ss.
COUNTY OF _____)

On _____, before me, _____, Notary Public,
(here insert name and title of the officer)
personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument, and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary _____

CAPACITY CLAIMED BY SIGNER

☒ Individual
☐ Corporate Officer
☐ Partner(s) ☐ Limited ☐ General
☐ Attorney-in-fact
☐ Trustee(s)
☐ Guardian/Conservator for _____

☐ Other

DESCRIPTION OF ATTACHED DOCUMENT

Assignment
Title or Type of Document

Date of Document

SIGNER IS REPRESENTING


self

Rutan & Tucker, LLP
611 Anton Blvd, Suite 1400
Costa Mesa, CA 92626

RUTAN
ATTORNEYS AT LAW

To ⇨ Allen (Avraham) Dor El
501 E. Longden Drive
San Gabriel, CA 91775
|||J|||||||J|||||||J|||||||

023243-0003US1

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Allen (Avraham) Dor EL 501 E. Longden Drive San Gabriel, CA 91775</p>		<p>B. Received by (Printed Name) <u>MARY DOREL</u></p> <p>C. Date of Delivery <u>1/15/04</u></p>	
<p>2. Article Number (Transfer from service label) <u>7005 1160 0004 6198 9496</u></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

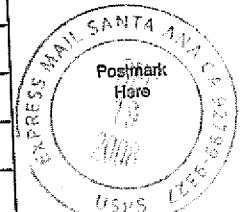
7005 1160 0004 6198 9496

U.S. Postal ServiceTM **CERTIFIED MAILTM RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

023243-0003US1 **USE**

Postage	\$ 1.00
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.90



Sent to Allen (Avraham) Dor EL
Street, Apt. No., or PO Box No. 501 E. Longden Drive
City, State, ZIP+4[®] San Gabriel CA 91775

PS Form 3800, June 2002 See Reverse for Instructions